

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) No.: 3:21-MJ-1122-KAC-DCP
v.)
)
TERRANCE PATTERSON,)
)
Defendant.)

ORDER ADOPTING REPORT & RECOMMENDATION

Before the Court is United States Magistrate Judge Debra C. Poplin’s “Report and Recommendation” (“Report”) entered on March 7, 2023 [Doc. 36]. On September 2, 2021, a Complaint was filed alleging that Defendant conspired to distribute 100 grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B) [Doc. 3]. On November 9, 2022, Defendant filed a “Motion to Dismiss Complaint” [Doc. 22], in which he asserted that “the complaint should be dismissed with prejudice” under the Speedy Trial Act [*Id.* at 4]. *See* 18 U.S.C. § 3162(a)(1). On November 18, 2022, the United States responded, agreeing with Defendant that the Court should dismiss the Complaint but arguing that the Court should do so without prejudice [Doc. 27 at 2]. On that same day, Defendant replied, “respectfully maintain[ing] his position that” the Court “should dismiss the complaint . . . with prejudice” [Doc. 28 at 1].

In her Report, Judge Poplin recommends that the Court grant Defendant’s “Motion to Dismiss Complaint” [Doc. 22] in part, dismissing “without prejudice” [Doc. 36 at 2]. Neither Party has objected to the Report, and the time to do so has passed. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

After reviewing the record, the Court **ACCEPTS** and **ADOPTS** Judge Poplin's Report [Doc. 36] under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(2). The Court therefore **DISMISSES** the Complaint against Defendant without prejudice.

IT IS SO ORDERED.



KATHERINE A. CRYTZER
United States District Judge